

Order

Michigan Supreme Court
Lansing, Michigan

September 25, 2015

Robert P. Young, Jr.,
Chief Justice

150555

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

In re Application of Indiana Michigan Power
Company for a Certificate of Necessity

ASSOCIATION OF BUSINESSES
ADVOCATING TARIFF EQUITY,
Appellant,

v

SC: 150555
COA: 314829
MPSC: 00-017026

MICHIGAN PUBLIC SERVICE COMMISSION,
Appellee,
and

INDIANA MICHIGAN POWER COMPANY,
Petitioner-Appellee,

and

MICHIGAN ENVIRONMENTAL COUNCIL,
Appellee.

On order of the Court, the application for leave to appeal the October 21, 2014 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE only the Court of Appeals statement that: "Since the term [singular] is subject to two interpretations, it is ambiguous and judicial construction is required to effectuate Legislative intent." This definition of ambiguity is not correct. A provision of law is ambiguous only if it "irreconcilably conflict[s]" with another provision or "when it is *equally* susceptible to more than a single meaning." *Mayor of Lansing v MPSC*, 470 Mich 154, 166 (2004). However, the Court of Appeals correctly considered the statutory context to assess the meaning of the term. *Koontz v Ameritech Services, Inc*, 466 Mich 304, 318 (2002). In all other respects, leave to appeal is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.



p0922

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 25, 2015

Clerk